

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JOHN AND BARBRA WECKESSER	§	PLAINTIFFS
	§	
v.	§	CIVIL ACTION NO. 1:08CV357-LG-RHW
	§	
CHICAGO BRIDGE and IRON;	§	
L.G. BARCUS and SONS, INC.;	§	
MAYOR A. J. HOLLOWAY; and	§	
CITY OF BILOXI	§	DEFENDANTS

ORDER DENYING PLAINTIFFS' MOTION FOR RECONSIDERATION

BEFORE THE COURT is the plaintiffs' Motion for Reconsideration [249] of this Court's Order Granting in Part and Denying in Part the City of Biloxi's Motion to Dismiss [241]. Upon reviewing the submissions of the parties and the applicable law, the Court finds that the plaintiffs' Motion for Reconsideration should be denied.

DISCUSSION

Pursuant to Fed. R. Civ. P. 59(e), a motion for reconsideration may only be granted if (1) there is a need to correct a manifest error in law or fact; (2) the movant uncovered new evidence that was reasonably unknown prior to entry of the judgment or order in question; or (3) an intervening change in controlling law occurred. *Schiller v. Physicians Res. Group, Inc.*, 342 F.3d 563, 567 (5th Cir. 2003). A Rule 59(e) Motion should not be used to relitigate matters that should have been argued earlier, or that simply were not resolved to the movant's satisfaction. *Mongrue v. Monsanto Co.*, 249 F.3d 422, 427 (5th Cir. 2001); *Simon v. United States*, 891 F. 2d 1154, 1159 (5th Cir. 1990).

On January 21, 2010, this Court held that the plaintiffs' state law claims and National Environmental Policy Act claims should be dismissed. The plaintiffs have not demonstrated that

there is a need to correct a manifest error in law or fact. They are reasserting arguments that they previously made to the Court as well as arguments that could and should have been made to the Court in opposition to the City's Motion. As a result, the Court finds that the plaintiffs' Motion for Reconsideration should be denied.

IT IS THEREFORE ORDERED AND ADJUDGED that the plaintiffs' Motion for Reconsideration [249] is **DENIED**.

SO ORDERED AND ADJUDGED this the 12th day of May, 2010.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE